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UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF LOUISIANA
LAKE CHARLES DIVISION

U.S. DISTRICT COURT
WESTERN DISTRICT OF LOUISIANA
FILED

OCT 17 2003

ROBERT H. SMITH, CLERK
BY [Signature] DEPUTY

MICHAEL T. DIAMOND, BRIAN DIAMOND,
and BRAD DIAMOND, Individually and on behalf
of MICHAEL A. DIAMOND, deceased

C.A. NO.: CV-03-0564

JUDGE: TRIMBLE

v.

IMMUNEX CORPORATION, AMGEN, INC.
WYETH, WYETH-AYERST LABORATORIES CO.
AND/OR AMERICAN HOME PRODUCTS
SUBSIDIARY HOLDING CORPORATION

MAGISTRATE: WILSON

STIPULATION OF DISMISSAL

Complainants and defendants file this Stipulation of Dismissal under Federal Rule of Civil

Procedure 41 (a)(1)(ii):

1.

Complainants are Michael T. Diamond, Brian Diamond and Brad Diamond, Individually and
On Behalf of Michael A. Diamond, deceased.

2.

Defendants are Immunex Corporation, Amgen, Inc., Wyeth, Wyeth-Ayerst Laboratories Co.
and/or American Home Products Subsidiary Holding Corporation.

3.

Complainants now move to dismiss the captioned suit.

4.

Defendants, who have all answered, agree to the dismissal with prejudice.

44

5.

This case is not a class action.

6.

A receiver has not been appointed in this action.

7.

This case is not governed by any federal statute that requires an order of the court for dismissal of the case.

8.

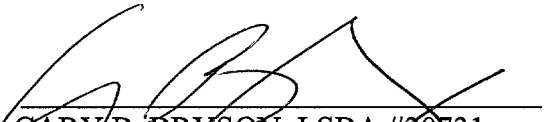
Complainants have not dismissed an action based on or including the same claims as those presented in this suit.

9.

The dismissal is with prejudice.

RESPECTFULLY SUBMITTED:

BY:


CARY B. BRYSON, LSBA #20731
BRYSON LAW FIRM, L.L.C.
217 West University Avenue
Lafayette, Louisiana 70506
(337) 233-4210 FAX: (337) 233-4213
Counsel for Complainants, Michael T. Diamond, et al.

UNITED STATES DISTRICT COURT
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MAGISTRATE: WILSON

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing Stipulation of Dismissal has been mailed, postage prepaid to the following:

Glenn M. Farnet
KEAN, MILLER, HAWTHORNE,
D'ARMOND, McCOWAN & JARMAN,
L.L.P.

One American Place, 22nd Floor
Post Office Box 3513 (70821)
Baton Rouge, Louisiana 70825
Counsel for Immunex Corporation and
Amgen Inc.

Ann De Groff Levine
McGLINCHEY STAFFORD, P.L.L.C.
643 Magazine St.
New Orleans, Louisiana 70130
Counsel for Wyeth, et al.

Mark D. Gamely (*Pro Hac Vice*)
HOGAN & HARTSON L.L.P.
111 South Calvert Street
Baltimore, MD 21202
Counsel for Immunex Corporation and
Amgen Inc.

Michael L. Kidney (*Pro Hac Vice*)
HOGAN & HARTSON L.L.P.
555 Thirteenth Street, N.W.
Washington, DC 20004
Counsel for Immunex Corporation and
Amgen Inc.

Lafayette, Louisiana this 15 day of October, 2003.


CARY B. BRYSON

RECEIVED

OCT 17 2003

ROBERT H. SHERWELL, CLERK
WESTERN DISTRICT OF LOUISIANA
LAFAYETTE, LOUISIANA

UNITED STATES DISTRICT COURT

WESTERN DISTRICT OF LOUISIANA

LAKE CHARLES DIVISION

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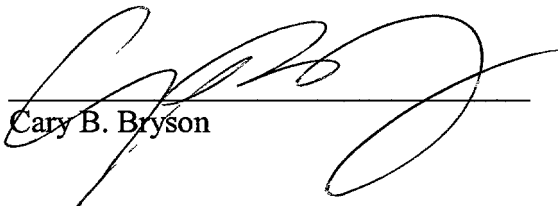
ORDER ON STIPULATION OF DISMISSAL

After considering Complainants' Stipulation to Dismiss, the court hereby GRANTS the motion and dismisses the case with prejudice.

SIGNED on _____, 2003.

U. S. DISTRICT JUDGE

APPROVED & ENTRY REQUESTED:


Cary B. Bryson

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OCT 17 2003

ROBERT H. SHERWELL, CLERK
WESTERN DISTRICT OF LOUISIANA
LAFAYETTE, LOUISIANA



B R Y S O N
L A W F I R M
LIMITED LIABILITY COMPANY

October 15, 2003

Order

Hon. Robert Shemwell
U.S. Clerk of Court
800 Lafayette St., Ste. 2100
Lafayette, LA 70501

Re: *Michael T. Diamond, Brian Diamond and Brad Diamond, Individually and on behalf of Michael A. Diamond, deceased v. Immunex Corporation, Amgen, Inc., Wyeth Ayerst Laboratories Co. and/or American Home Products Subsidiary Holding Corp.*
C.A. No. 03-0564, W.D. La., Lake Charles Division

Dear Sir:

Enclosed please find an original and one copy of Complainants' Stipulation of Dismissal. Please file the original into the record and return a file-stamped copy of each pleading to me in the enclosed, self addressed envelope. *no encl*

With kindest regards and best wishes, I remain,

Sincerely yours,

BRYSON LAW FIRM, L.L.C.

[Signature]
CARY B. BRYSON

CBB/baw/200897

Enclosure

cc: Glenn M. Farnet
Ann De Groff Levine
Hon. James T. Trimble
Mark D. Gamely
Michael L. Kidney